

11/18 DAS/BS/SP/K  

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



**OFFICE OF PETITIONS**

**REQUEST FOR RECONSIDERATION**

In re Application of: O'Lenick et al  
Patent 6,762,289  
Issued July 13, 2004  
Filed: August 13, 2003  
Application No. ~~10/642,256~~ 10/642,564

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Honorable Commissioner  
Patents and Trademarks  
P.O. Box 1450  
Alexandria, Va

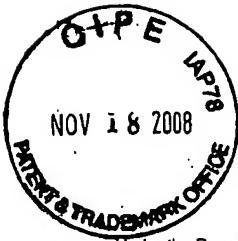
Sir:

Petitioner submits herewith completed petition bearing both signatures for the above petition \$400.00 fee due.

Petitioner requests reconsideration of the dismissed petition in light of the submitted required documentation.

Respectfully submitted

Anthony J. O'Lenick, Jr.  
Applicant  
2170 Luke Edwards Road  
Dacula, Ga 30019  
November 14, 2006



NOV 18 2008

PTO/SB/66 (10-05)

Approved for use through 04/30/2009. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information  
at (571) 272-3282.

Patent No. 6,762,289Application Number 10/642,256**10/642,564**Issue Date July 13, 2004Filing Date August 13, 2003

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable**

The above - identified patent:

is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.

resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

November 14, 2008  
Date

Signature

Anthony J. O'Lenick, Jr.

Typed or printed name of person signing Certificate

11/18/2008 HNGUYEN1 00000045 6762289

B1 FC:1462

400.00

OP

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/18/2008 HNGUYEN1 00000045 6762289

B1 FC:1599

400.00 OP

## 1. SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ \_\_\_\_\_

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ \_\_\_\_\_ (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ \_\_\_\_\_

## 5. MANNER OF PAYMENT

Enclosed is a check for the sum of \$ 400.00 \_\_\_\_\_.

Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.

Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. \_\_\_\_\_. A duplicate copy of this authorization is attached.

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## 7. OVERPAYMENT

As to any overpayment made please

OR

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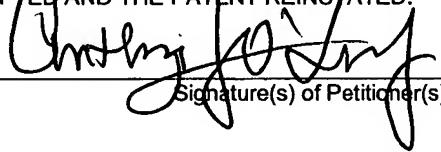
Send refund check.

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## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE  
ACCEPTED AND THE PATENT REINSTATED.


Signature(s) of Petitioner(s)

Nov. 14, 2008  
Date

\_\_\_\_\_  
Anthony J. O'Lenick, Jr.  
\_\_\_\_\_  
Typed or printed name(s) \_\_\_\_\_ Registration Number, if applicable \_\_\_\_\_

\_\_\_\_\_  
678 442-0210  
\_\_\_\_\_  
Telephone Number \_\_\_\_\_

\_\_\_\_\_  
2170 Luke Edwards Road  
\_\_\_\_\_  
Address \_\_\_\_\_

\_\_\_\_\_  
DAcula, Ga 30019  
\_\_\_\_\_  
Address \_\_\_\_\_

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

## ENCLOSURES:

Maintenance Fee payment

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

\$400.00 petition Fee



NOV 18 2008

PTO/SB/68 (10-05)

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**10/642,564**

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Signature(s) of Petitioner(s)

Nov. 14, 2008

Date

Kevin A. O'Lenick,

Typed or printed name(s)

Registration Number, if applicable

678 442-0210

Telephone Number

2170 Luke Edwards Road

Address

DAcula, Ga 30019

Address

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